

No. 23-4509

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

United States of America ..... Plaintiff-Appellee,

v.

Russell Lucius Laffitte ..... Defendant-Appellant.

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**DEFENDANT-APPELLANT’S UNOPPOSED MOTION FOR 45-  
DAY EXTENSION OF TIME TO FILE OPENING BRIEF AND  
APPENDIX OF APPELLANT**

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Defendant-Appellant Russell Lucius Laffitte respectfully moves the Court for a 45-day extension of the time in which he may file his Opening Brief and Appendix, such that the deadline would be **December 11, 2023**. Counsel for Laffitte has consulted with the Department of Justice, and has been authorized to represent to the Court that DOJ does not oppose this motion.

In support of this motion, Laffitte submits that the following extraordinary circumstances exist:

1. Under the Court’s scheduling order entered on September 21, Laffitte’s Opening Brief and Appendix are currently due on **October 26, 2023**.

2. This criminal appeal is of unusual complexity. Laffitte was convicted of various counts including bank fraud, wire fraud, misapplication of bank funds, and conspiracy. Trial ran from November 8, 2022, until November 22, 2022, and the trial transcript is 2,181 pages long. In addition to the complex legal issues arising from the six-count indictment, another issue dealing with the dismissal of two jurors after the jury had begun its deliberations presents complicated fact-based and legal issues as well.

3. Laffitte retained the undersigned as his post-judgment and appellate counsel after trial, and trial counsel will not be participating in the appeal. Appellate counsel would respectfully ask for sufficient time to analyze and review the entire record to provide effective representation of their client.

4. This Court denied Laffitte's motion for release pending his appeal last week, on September 27. Laffitte has since reported to federal prison. It will be necessary for Laffitte to review and approve the brief while he is in prison, and counsel anticipate delays associated with communicating with Laffitte while he is in prison.

5. The principal drafter of Laffitte's brief, John Neiman, has

preexisting, unmovable, court-imposed deadlines that will make it difficult to complete the brief by the current due date—or even within 21 or 30 days thereof. Neiman has an appellant brief due on October 9 in the Alabama Supreme Court, separate appellant briefs due on October 12 and October 26 in the Sixth Circuit, oral argument on October 30 in the Northern District of Alabama on dispositive motions relating to a time-sensitive constitutional challenge to a federal statute, and two oral arguments, on November 14 and November 17, in the Eleventh Circuit. In addition, Thanksgiving is on November 23.

6. The Government filed a notice cross-appeal “to permit the United States sufficient time whether to” cross-appeal an issue relating to Laffitte’s restitution order, Doc. 326, but the Government has not yet informed Laffitte whether the Solicitor General has determined whether the United States will proceed with that cross-appeal.

Laffitte thus respectfully requests that the Court grant a 45-day extension of the time in which he may file his Opening Brief and Appendix, such that the deadline would be **December 11, 2023**.

Respectfully submitted,

/s/ John C. Neiman, Jr.

One of the Attorneys for  
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**CERTIFICATE OF COMPLIANCE**

As required by Rule 32(g)(1) of the Federal Rules of Appellate Procedure, I certify that this filing is in compliance with the type form and volume requirements. This Motion was prepared using Microsoft Word 2016. It is proportionately spaced; uses a Roman-style, serif typeface (Times New Roman) of 14-point; and contains 464 words, exclusive of the material not counted under Rule 32(f) of the Federal Rules of Appellate Procedure.

Dated: October 3, 2023

/s/ John C. Neiman, Jr.

OF COUNSEL